

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

ERIC LAWSON,

Plaintiff,

v.

KELLY SPEIGHT, DAVID CADDEN,
and BETH LOVE,

Defendant.

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CV 117-118

O R D E R

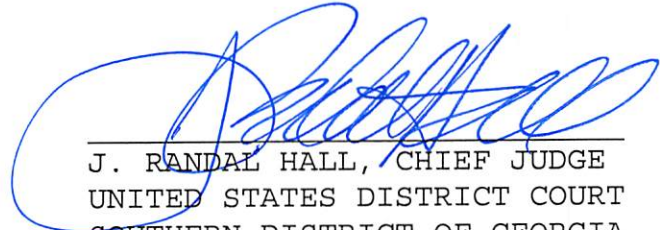
Plaintiff initiated this claim after he was terminated from his employment with Defendants. Plaintiff alleges that he was fired because of his race in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et seq.* Because Plaintiff initiated this suit before receiving a right to sue letter from the Equal Employment Opportunity Commission ("EEOC"), the Magistrate Judge entered a Report and Recommendation recommending that Plaintiff's case be dismissed. (Doc. 12.) Plaintiff was supposed to receive a copy of the Report and Recommendations and file any objections within twenty days. (Doc. 10.) However, Plaintiff alleges that he never received the Report and Recommendation because his P.O. Box was mislabeled by a Post Office employee. (Doc. 16, at 6.)

Plaintiff now moves for relief under Federal Rule of Civil Procedure 60(b).

Under Rule 60(b), a party may seek relief from judgment in a limited number of circumstances including: (1) mistake or neglect; (2) newly discovered evidence; (3) fraud; (4) the judgment is void; (5) the judgment has been satisfied; or (6) any other reason that justifies relief. FED. R. CIV. P. 60(b). Relief under Rule 60(b) is an extraordinary remedy which courts do not grant as a matter of routine. Sikes v. AT & T Co., 841 F. Supp. 1572, 1577 (S.D. Ga. 1993). Through no fault of his own, Plaintiff did not receive a copy of the Magistrate Judge's Report and Recommendation. Therefore, Plaintiff had no opportunity to have his objections heard by the Court. Relief is appropriate under such circumstances. See Cavalliotis v. Salomon, 357 F.2d 157, 159 (2d Cir. 1966) (relief was appropriate where the defendant did not receive notice of judgment).

Therefore, upon due consideration, Plaintiff's motion for relief (docs. 14, 16) is **GRANTED**. The Court's Adoption Order (doc. 12) is **VACATED**. Plaintiff shall have thirty days from the entry of this Order to file any objections to the Magistrate Judge's Report and Recommendation, a copy of which is attached to this Order. The Clerk is **DIRECTED** to **REOPEN** this case.

ORDER ENTERED at Augusta, Georgia, this 23rd day of March, 2018.



J. RANDAL HALL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA